



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Rhode Island's No-Discharge Compliance Program

Notice to Boaters

Revised - June 2006

This revised notice summarizes Rhode Island's new No-Discharge Compliance Program, which took effect on June 1, 2006 after being modified by several important legislative changes. This notice updates and replaces prior notices on the program issued over the past year.

Purpose of the Program

The program is aimed at bolstering compliance with Rhode Island's No-Discharge Law by ensuring that all boaters have taken the steps necessary to prevent overboard discharges of sewage when operating or moored in Rhode Island waters.

Applicability

The program applies to all boats with permanently installed marine toilets.

Exemptions

There are three categories of boats that are exempt from the program:

1. Boats with self-contained port-a-potties, or no toilet at all.
2. Boats already subject to mandatory U.S. Coast Guard inspection, as demonstrated by a valid USCG-issued certificate of inspection.
3. Transient boats that are operated or moored in RI waters for less than 30 days.

Requirements

All boats subject to the program must obtain and display a decal issued by an authorized Certification Agent. Decals are issued after an inspection to verify that the boat is in compliance with RI's No-Discharge Law. All decals are valid for a period of four years.

Effective Dates

The program has been operational since April 2006 and formally took effect on June 1, 2006. Yet, pursuant to one of the recent legislative changes, the penalty and enforcement provisions of the program will not take effect until June 1, 2007. Thus, all boats subject to the program now have until June 1, 2007 to get inspected. Notwithstanding this new deadline, all boaters are strongly encouraged to get their inspections done during the current boating season. Those choosing to wait until next spring may have to contend with workload delays during the busiest time of the year for marinas, harbor masters, and other certification agents. After June 1, 2007, any boat subject to the program that fails to display a decal may be subject to enforcement action, including a fine of up to \$100.

Inspection Fees

Certification agents may charge up to \$35 per boat for each inspection and decal. For boats with more than one marine toilet, agents may charge up to \$25 for each additional toilet.

Inspection Process

The inspection process is essentially twofold: determining that each boat with a marine toilet has a proper MSD, and determining that the MSD is properly configured and/or secured.

1. Type of MSD – Every boat that has a permanently installed marine toilet must have a Type I, Type II, or Type III Marine Sanitation Device (MSD).
2. Status of MSD – Boats that have a Type III MSD (i.e., holding tank) and no through-hull fitting that would allow the overboard discharge of sewage are automatically in compliance with RI's No-Discharge law. Such boats, upon inspection, are issued a green decal. Boats that have a Type I or Type II MSD, or a Type III MSD with a through-hull fitting that would allow the overboard discharge of sewage, must have their MSDs properly secured and/or configured to prevent a discharge whenever the boat is moored or operating in RI waters. Such boats, upon inspection, are issued a yellow decal.

Obtaining an Inspection

Inspections must be performed by an authorized certification agent. A list of all such agents is available on DEM's website – dem.ri.gov – under “Topics” → “Water” → “No Discharge Program.” The list will continue to be updated as more agents become authorized to conduct inspections.

Additional Notes

- The delayed penalty and enforcement provisions, and the exemption categories, relate solely to the inspection program. *All boats, including those that are exempt from the inspection program, are subject to the State's No-Discharge Law – in effect since 1998 – whenever they are in RI waters.* As such, no boat, under any circumstances, is allowed to discharge boat sewage from any source into RI waters, irrespective of the provisions of the new inspection program.
- As an option, any boats falling under any of the three exemption categories may still get inspected and obtain a decal if the owner or operator wishes to do so. So, for example, a boat with a self-contained port-a-potty can obtain a (green) decal, showing that it is in compliance with the State's No-Discharge Law, even though it is not subject to the decal requirement.
- Municipalities may deny mooring permits for boats that have not been inspected, but they are under no obligation to do so. It is up to each city and town to decide how they want to handle this issue; it is no longer a state mandate.
- Boaters are not required to maintain pump-out records. That former provision has been deleted from the program.

Further Information

For further information on the program, go to DEM's website – dem.ri.gov – or contact Robert Ballou (Robert.Ballou@dem.ri.gov; 401-222-4700 x4420) or Maria Costa (Maria.Costa@dem.ri.gov; 401-222-4700 x2405)